

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

BAYSHORE FORD TRUCK SALES, INC.,	§	
HEINTZELMAN’S TRUCK CENTER, INC.,	§	
LJL TRUCK CENTER, INC., PEACH STATE	§	CIVIL ACTION NO.
FORD TRUCK SALES, INC., AND VALLEY	§	4:99-CV-0173-RLV
FORD TRUCK SALES, INC., Individually	§	
And as Representative for a Class of	§	
Similarly Situated Entities,	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
FORD MOTOR COMPANY,	§	
Defendant.	§	

**DEFENDANT’S RESPONSE TO WEST GATE CLASS PLAINTIFFS’
MOTION TO INTERVENE**

Defendant Ford Motor Company (“Ford”) does not oppose the Motion of the West Gate Class Plaintiffs for the Purpose of Responding to Defendant’s Application for Injunctive Relief (“Motion”), but Ford files this Response to highlight certain misrepresentations in the Motion. The *West Gate* class plaintiffs are referred to as “West Gate.”

West Gate states that Ford, by its Application for Injunctive Relief (“Application”), seeks “an order enjoining the *Westgate* Plaintiffs and *Westgate* court from continuing with the Ohio class action.” Motion, ¶¶ 3, 5. This statement is false. Ford seeks the following injunction which is directed only at the putative

nationwide class (and class counsel) denied by this Court:

All members, named and unnamed, of the putative national class [defined in this Court's Order dated September 5, 2000 (Docket No. 63)] and their lawyers are hereby prohibited from again attempting to have a nationwide class certified over defendant's opposition with respect to the same class and the claims alleged in this case.

Application, p. 10.

Likewise, West Gate states that Ford has failed to file "a Notice alerting the Ohio court that Ford has asked this Court to overrule the *West Gate* class certification order." Motion, ¶ 5. West Gate is incorrect once again. As explained above, Ford is not asking this Court to overrule the class certification order in *West Gate*. Based on West Gate's invitation however, Ford will file a copy of its Application for Injunction filed in this Court with the Ohio court for its information.

Ford will respond to West Gate's response to Ford's application for an injunction separately. Subject to the above, Ford does not oppose West Gate's intervention.

Respectfully submitted,

Dated: August 1, 2005.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1B and 7.1D, I hereby certify that this document has been prepared in Times New Roman 14 point font and within the required margins and page limitations.

/s/ Billy M. Donley
Billy M. Donley

CERTIFICATE OF SERVICE

I certify that on August 1, 2005, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record in this case. I also certify that a copy of this document has been served on Intervenor's counsel in Pennsylvania as shown below.

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